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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,957	02/07/2002	Stephen W. Edge	01P24279US01	3682

7590

06/14/2006

Siemens Corporation
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EXAMINER

WIDHALM, ANGELA M

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/071,957	EDGE, STEPHEN W.	
	Examiner	Art Unit	
	Angela Widhalm	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22, 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22, 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a final office action in response to remarks for Application Number 10/071,957 filed on 24 March 2006. Claims 1-2, 12, 14, 17-18, 22, 24, and 27-28 have been amended. Claims 21 and 23 have been cancelled. No new claims have been added. The claims 1-20, 22, and 24-28 are pending.
2. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.

Response to Amendments

3. Applicant amended the abstract and claim 12 in response to Examiner's objections. Applicant also amended claims 1, 14, 17, and 28 to overcome 35 U.S.C. 112 rejections. Applicant amended these claims to meet the first interpretation described by Examiner, which was the interpretation used by Examiner during a search of prior art. Claims 18, 24, and 27 incorporated the limitations of cancelled claims 21 and 23 to further clarify how location information is determined.

Response to Arguments

4. Applicant presented the argument that neither AAPA nor McDowell described providing a privacy server network address that is not the actual network address associated with the communication network currently serving the subscriber device.

McDowell disclosed a merchant sending a message to a subscriber via a Campaign Manager (see paragraphs 110, 168) in which the merchant may or may not know the subscriber's address (see paragraphs 108, 110). In order for the subscriber to receive this message, an address other than the subscriber's actual address is provided and used.

5. Applicant also argues that neither AAPA nor McDowell include requesting location information by a client other than the subscriber.

As presented below, AAPA does provide location-based services to a party other than the subscriber (see Specification page 3 lines 2-4). Furthermore, McDowell allows for location requests from an external entity (see paragraphs 56, 75).

6. The claimed invention relates to a method, home privacy server, and medium for storing instructions (collectively referred to as "system") for sending a location request, communicating with a home location privacy server, determining the requested location, and transmitting a response to the location request in accordance with privacy information. In which in the same field of endeavor, the applied references teach the same.

Claim Rejections - 35 USC § 103

7. Claims 1-6, 11, 14-20, 22, 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) (U.S. Application 10/071,957), further in view of McDowell (U.S. Patent Publication 2002/0035605).

8. Regarding claim 1, AAPA disclosed a system for facilitating subscriber location in accordance with privacy information, comprising:

receiving a network address request at a home database server, the network address request asking for a network address associated with a communication network currently serving a subscriber device (see figure 1, Specification page 2 lines 13-19), wherein the network address request is associated with a location request issued by a client device other than the subscriber device (see Specification page 3 lines 2-4; *client device can provide services to a party other than the subscriber*) and

providing a network address in response to the network address request (see figure 1, Specification page 2 lines 20-24; *providing the actual network address associated with the communication network currently serving the subscribing device*).

AAPA did not explicitly disclose sending a privacy server network address, wherein the privacy server network address is not the actual network address associated with the communication network currently serving the subscriber device.

However, in an analogous art, McDowell disclosed a subscriber or a merchant requests the location of a subscriber device (see paragraphs 83-84). When a subscriber's location is requested, a WAP Gateway 136 queries a Location Proxy Server 114 for the information (see paragraph 83). This Location Proxy Server 114 first determines whether the WAP Gateway 136 and the requestor are allowed to receive the subscriber's location information by communicating with a privacy database 119. Depending on the subscriber's settings, this information may or may not be provided to the requestor (see table 5). The requestor however may still send a message to a subscriber via the Campaign Manager (see paragraph 168). In order for a merchant to send a message without knowing the destination address, a proxy server and therefore also an address other than the subscriber's actual address is used.

To compare this to Applicant's disclosure, Applicant sends a location request via a Gateway 220 that queries a Home Database Server 230 for location information. The Home Database Server 230 contains privacy information relating to whether or not the subscriber's location information should be passed along to the requestor. When the actual location information is not to be provided, an alternate address is used in order to provide the requestor with information.

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of McDowell into the teachings of AAPA to increase a subscriber's level of privacy when requesting and transmitting location information. Incorporating a privacy database or server as suggested by McDowell into

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the system admitted as prior art by Applicant would ensure that only those entities considered "friendly" would receive the requested location information.

9. Regarding claim 18, AAPA-McDowell disclosed the system, substantially as claimed, as described above in claim 1, further including:

a home location privacy server (see McDowell paragraphs 37, 48; *a network gateway that included a location proxy module that maintained location data for the wireless subscribers*; see paragraph 83; *the Location Proxy Server 114 receives a location request and is in communication with a privacy database 119 to verify that the subscriber has given permission for a Web service to access the subscriber's location information*);

retrieving privacy information associated with the subscriber device (see McDowell paragraphs 38, 83, 124);

evaluating the privacy information (see McDowell paragraphs 38, 83, 124);

determining if the location information will be provided based on said evaluation (see McDowell paragraphs 38, 83, 128);

transmitting a network address request to a home database server; (see AAPA figure 1, Specification page 2 lines 13-19)

receiving from the home database server a visited network address associated with the subscriber device; (see AAPA figure 1, Specification page 2 lines 20-24)

transmitting a location request to a visited network server via the visited network address (see AAPA figure 1, Specification page 2 lines 25-26); and

receiving the location information from the visited network server (see AAPA figure 1, Specification page 2 line 31 – page 3 line 2); and

providing the location information in response to the location request (see AAPA Specification page 2 line 31 – page 3 line 2).

10. The rejection of claims 2-17, 19-20, 22, 24-28 are the same as Examiner's previous Office Action and are repeated below.

11. Claim 28 includes the limitations of claims 1 and 18 and is rejected under the same prior art as claims 1 and 18.

12. Regarding claim 2, AAPA-McDowell disclosed wherein the network address request is associated with a location request from the client device (see AAPA *Specification* page 2 lines 1-6).

13. Regarding claim 3, AAPA-McDowell disclosed wherein the location request is associated with a geographic location of the subscriber device (see AAPA *Specification* page 2 lines 1-6).

14. Regarding claim 4, AAPA-McDowell disclosed wherein the subscriber device is associated with a wireless network (see AAPA *Specification* page 2 lines 23-24).

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15. Regarding claim 5, AAPA-McDowell disclosed the network address request is received from a gateway location server (see AAPA figure 1, *Specification* page 2 lines 13-19).

16. Regarding claim 6, AAPA-McDowell disclosed the invention substantially as discussed in the rejection of claim 1 above, including a network address to the gateway location server (see AAPA *Specification* page 2 lines 20-24).

17. Regarding claim 11, AAPA-McDowell disclosed the home database server comprises (i) a home location register (see McDowell paragraph 57).

18. Regarding claims 14, 17, 24, and 27, AAPA-McDowell disclosed the invention substantially as claimed as discussed in claim 1 and 18 above. Furthermore, AAPA-McDowell disclosed a computer system for the same operations, which inherently included a processor (i.e. CPU) (claims 14 and 24) and a storage device (claims 14 and 24) or medium (claims 17 and 27) (i.e. memory) in communication with said processor and storing instructions adapted to be executed by said processor to perform the method of claim 1 (claims 14 and 17) and claim 18 (claims 24 and 27).

19. Regarding claims 15 and 25, AAPA-McDowell disclosed wherein said storage device further stores a subscriber network database (claim 15: see McDowell paragraph 34; the presence module maintains data concerning the network presence of the

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wireless subscribers) or a subscriber privacy database (claim 25: see McDowell paragraph 35, figure 2 #119).

20. Regarding claims 16 and 26, AAPA-McDowell disclosed wherein said processor is further coupled to a communication device adapted to communicate with (ii) a gateway location server (see McDowell figure 2 #136, paragraph 83; it is inherent that a processor is included in PLIM system that communicates with the WAP Gateway 136).

21. Regarding claim 19, AAPA-McDowell disclosed wherein the location request is received from a client device via a gateway location server (see AAPA figure 1, *Specification* page 2 lines 1-12).

22. Regarding claim 20, AAPA-McDowell disclosed transmitting the location information to a client device via a gateway location server (see AAPA figure 1, *Specification* page 2 line 31 – page 3 line 2).

23. Regarding claim 22, AAPA-McDowell disclosed wherein said evaluating is further based on (i) a client device associated with the location request (see McDowell paragraph 38).

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24. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell in view of AAPA as applied to claim 1 above, and further in view of Olsson (U.S. Patent Publication 2002/008968).

25. Regarding claim 12, McDowell in view of AAPA disclosed the limitations, substantially as claimed, as described in claim 11.

McDowell in view of AAPA did not explicitly disclose wherein the home database server is associated with at least one of: (i) GSM, (ii) ANSI-41, (iii) 3GPP, and (iv) 3GPP2.

However, in an analogous art, Olsson disclosed a GSM Public Land Mobile Network (see paragraph 21).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Olsson into the teachings of McDowell in view of AAPA to further specify the allowable types of wireless technologies used in McDowell's system for location-based services.

26. Regarding claim 13, AAPA-McDowell disclosed the invention substantially as discussed in the rejection of claim 1 above, including the home location privacy server associated with a mobile position center (see McDowell, paragraph 87).

AAPA-McDowell did not explicitly disclose using GSM, ANSI-41, 3GPP, or 3GPP2 technology.

However, in an analogous art, Olsson disclosed a GSM Public Land Mobile Network (see paragraph 21).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Olsson into the teachings of McDowell in view of AAPA to further specify the allowable types of wireless technologies used in McDowell's system for location-based services.

27. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA-McDowell, as applied to claim 1 above, and further in view of Walsh (U.S. Patent 6,662,014).

28. Regarding claim 7, AAPA-McDowell disclosed the limitations, substantially as claimed, as described in claim 6.

AAPA-McDowell did not explicitly disclose determining an association between the gateway location and a home network, wherein said providing is only performed when the gateway location server is associated with the home network.

However, in an analogous art, Walsh disclosed determining whether the wireless communication device 102 is registered to operate with the location privacy manager 106 (see column 6 lines 53-57) and then only sending the location information once it is determined that the wireless communication device 102 is registered to operate with the location privacy manager 106 (see column 6 lines 58-62).

Registering a wireless communication device with a location privacy manager establishes an association between the two. The wireless communication device operates within a home network whether or not the wireless communication network is incorporated as a part of the home network, so then establishing an association with the wireless communication device also establishes an association with the home network. The wireless communication network includes a base station #300 (see figure 3 #300, column 5 lines 5-13) that operates as a gateway location. When the location privacy manager is an integral part of a wireless communication network (see column 3 lines 62-64), then registering the wireless communication device with the location privacy manager also establishes an association between the base station #300 and the wireless communication device.

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Walsh into the teachings of AAPA-McDowell to increase a subscriber's level of privacy when requesting and transmitting a subscriber's location information. Only providing location information to a gateway associated with the home network would ensure that only those entities considered "friendly" would receive the requested location information (see Walsh, column 2 lines 10-14, line 59 – column 3 line 16).

29. Regarding claim 8, AAPA-McDowell disclosed the invention substantially as described in the rejection of claim 1 above but did not explicitly disclose the privacy server network address is associated with a home location privacy server.

However, in the same field of endeavor, Walsh disclosed a privacy server network address associated with a home location privacy server (see column 6 lines 16-24; column 3 lines 28-37, 54-64).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Walsh into the teachings of AAPA-McDowell to increase a subscriber's level of privacy when requesting and transmitting a subscriber's location information by enabling communication with the location privacy manager (see Walsh, column 3 lines 11-16).

30. Regarding claim 9, AAPA-McDowell-Walsh disclosed receiving a request from the location privacy manager (see Walsh, column 6 lines 50-57).

31. Regarding claim 10, AAPA-McDowell-Walsh disclosed transmitting the visited network address to the home location privacy server (see Walsh, column 3 lines 28-37, 54-64).

Conclusion

32. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

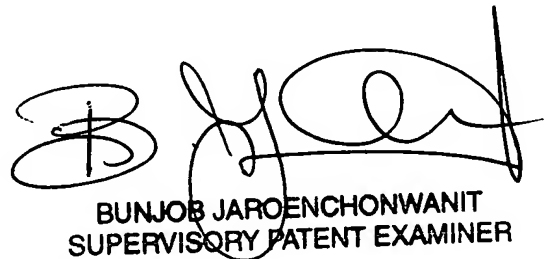
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Widhalm whose telephone number is (571) 272-1035. The examiner can normally be reached M-F, 8:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AW, 5 June 2006



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER